

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 440 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
10/03/2005 in WP NO : 4656 OF 2005 on the file of the High Court.)

Between:

Urdu High School, Shakkarnagar rep by Correspondent Ghulam Mohiuddin
Shakkarnagar, Bodhan,
Nizamabad District

..... APPELLANT

AND

- 1 The Commissioner & Director of School Education, Government of A.P.,
Hyderabad
- 2 The Regional Joint Director of School Education, (VI Zone), Hyderabad
- 3 The District Educational Officer, Nizamabad, Nizamabad District
- 4 The Special Officer/Deputy Educational Officer, Bodhan, Nizamabad District

.....RESPONDENT(S)

Counsel for the Appellant: MR.G.TUHIN KUMAR

Counsel for the Respondent Nos.1 to 4: GP FOR SCHOOL EDUCATION

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

We have heard the learned counsel for the appellant. We are not satisfied that appeal against such an order is maintainable when on filing of writ petition the Court has issued notice to the opposite party granting two weeks time to file reply. Appellant has questioned the legality and validity of the order dated 2.3.2005 directing the Correspondent of the School to immediately hand over charge to the District Educational Officer, Bodhan.

Learned counsel for the appellant states that since the order dated 2.3.2005 itself is without jurisdiction, learned single judge ought to have granted order of status-quo so that till disposal of the writ petition, he would continue in the same position. His submission is contrary to the basic principles, inasmuch as, granting of such an order without hearing the opposite party would amount to almost allowing the writ petition or in any case putting the order in abeyance. It has not been demonstrated that irreparable loss or injury would be caused to the appellant if the order impugned in the writ petition is not suspended. In other words, on allowing of the writ petition, Ghulam Mohiuddin would re-occupy the position prior to 2.3.2005.

The writ appeal is only mis-conceived and is accordingly dismissed. No costs.

DEVINDER GUPTA,CJ

DATE: 15th March, 2005

B. SESHASAYANA REDDY,J

Pnb

To

1. The Commissioner & Director of School Education, Government of A.P., Hyderabad.
- 2 The Regional Joint Director of School Education, (VI Zone), Hyderabad.
- 3 The District Educational Officer, Nizamabad, Nizamabad District.
- 4 The Special Officer/Deputy Educational Officer, Bodhan, Nizamabad District.
- 5 Two CCs to the Government Pleader for School Education, High Court Buildings, Hyderabad. (O.U.T.)
- 6 Two CD copies.